

TITLE 219 - DEPARTMENT OF LABOR

CHAPTER 6 - BENEFITS FOR COMBINED WAGE CLAIMS

001. The following chapter shall govern the Department in its administrative cooperation with other states adopting a similar requirement for the payment of benefits to combined wage claimants. This chapter is adopted pursuant to Neb. Rev. Stat. '48-607 and '48-668.

002. This arrangement is designed to establish a system whereby a claimant with covered employment in more than one state could combine all wages in one state in order to qualify for benefits to which he or she would not otherwise be eligible. All fifty states, the District of Columbia, and Puerto Rico must participate in this plan. Canada and the Virgin Islands do not participate.

003. As used in this chapter:

A. "State" includes the states of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

B. "Combined wage claim" is a claim filed under this arrangement.

C. "Combined wage claimant" is a claimant who has covered employment and wages under the unemployment compensation law of more than one state who has filed a claim under this arrangement.

D. "Paying state" is the state which will determine the claimant's monetary entitlement under its law using wages and employment transferred it by the other states in which the claimant worked during its base period and will make payments to the claimant.

E. "Transferring state" is any state in which a combined wage claimant had covered employment and wages in the base period of a paying state and which transfers such employment and wages to the paying state for its use in determining the benefit rights for such claimant under its law.

F. "Employment" and "wages". "Employment" refers to all services which are covered under the unemployment compensation law of a state, whether expressed in terms of weeks of work or otherwise. "Wages" refers to all remuneration for such employment.

G. "Base period" and "benefit year" is the base period and benefit year applicable under the law of the paying state.

004. A claimant who has had covered employment in more than one state may elect to file a combined wage claim if he or she is eligible to establish a new benefit year. He or she may not so elect, however, if he or she has established a benefit year under any state or federal unemployment compensation law and (1) the benefit year has not ended, and (2) he or she has unused benefit rights based on such benefit year. (Federal or state extended benefits and benefits that have been postponed because of a disqualification that will not end at the close of some specified number of weeks are not considered unused for this purpose.)

005. A claimant has the right to combine all covered employment in the base period of one state if the combination will provide benefits for which he or she could not otherwise qualify or will increase the benefits for which he or she qualifies in a single state. If such option is exercised, all covered employment in the base period shall be included.

006. A claimant may not select a paying state. The state in which the claimant is filing is always the paying state if he or she has sufficient wages in its base period to be eligible under its benefit formula. If, after combining, he or she is still not eligible in the filing state, the paying state is the state in which the claimant's most recent covered employment occurred, if by combining he or she can qualify.

007. Because of the complexities of combining wages, disadvantages to the claimant may not be apparent until after the monetary determination has been received. Therefore, the claimant has the right to withdraw from a combined wage claim any time before the monetary determination of the paying state becomes final, provided, that he or she either (1) repays in full any benefits paid to him or her, or (2) authorizes the state(s) against which he or she will claim benefits to withhold and forward to the former paying state a sum sufficient to repay such benefits.

008. If there is an overpayment outstanding in a transferring state, such state may request reimbursement from any benefits the paying state would otherwise pay to the claimant on his or her combined wage claim.